

Internal  
C0150015  
# 3550  
R

### EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine: Consolidation Coal Co/Emery Deep Mine  
Permit #: C/015/015

NOV # 10055  
Violation # 1 of 1

#### A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation.** Mark and explain each event.

- |                                     |    |  |
|-------------------------------------|----|--|
| <input type="checkbox"/>            | a. | Activity outside the approved permit area.                     |
| <input type="checkbox"/>            | b. | Injury to the public (public safety).                          |
| <input type="checkbox"/>            | c. | Damage to property.  |
| <input type="checkbox"/>            | d. | Conducting activities without appropriate approvals.           |
| <input type="checkbox"/>            | e. | Environmental harm.  |
| <input checked="" type="checkbox"/> | f. | Water pollution.   |
| <input type="checkbox"/>            | g. | Loss of reclamation/revegetation potential.                    |
| <input type="checkbox"/>            | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/>            | i. | No event occurred as a result of the violation.                |
| <input type="checkbox"/>            | j. | Other.   |

Explanation: Failure to maintain Diversion (Culvert A), located at the base of the access road to the refuse pile. Culvert outlet was 100% plugged.

2. Has the even occurred? No

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: Unlikely to occur. Culvert and diversion is within the disturbed area. Flows would still be treated by a sedimentation pond.

3. Did any damage occur as a result of the violation? No

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not bee discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: \_\_\_\_\_

Event Violation Inspector's Statement

NOV/CO # NOV#10055  
Violation # 1 of 1

**B. DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: \_\_\_\_\_

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: Lack of resonable care. Culvert outlet 100% plugged.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: \_\_\_\_\_

- ☒ Was the operator in violation of a specific permit condition?

Explanation: Failure to maintain Diversion (Culvert A), located at the base of the access road to the refuse pile. Culvert outlet 100% plugged.

- ☐ Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: \_\_\_\_\_

**C. GOOD FAITH**

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: Rapid compliance. The citation was issued on June 14, 2010. The abatement date was July 15, 2010. Notified in person at the SLC DOGM on June 17, 2010

Event Violation Inspector's Statement

NOV/CO # NOV#10055  
Violation # 1 of 1

during meeting that the citation had been abated. Field verified on June 22, 2010. and terminated violation on June 22, 2010.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: Cleaned culvert inlet by hand to compliance. Consol plans within a week to clean the plain below the outlet by mechanical device to prevent sediment from building around outlet due to gradual grade.

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: \_\_\_\_\_

Karl R. Houskeeper  
Authorized Representative

Karl R. Houskeeper June 22, 2010  
Signature Date

kh  
O:\015015.EME\FINAL\10055eventvioinspectorststate.doc